

TITLE 2, DIVISION 3, CHAPTER 1 ARTICLE 5

MARINE TERMINALS INSPECTION AND MONITORING

Section 2351. Marine Terminal Physical Security Program

- (a) In addition to the definitions in §2315 of this Article 5, the following definitions shall govern the construction of this section:
 - (1) “Crisis Situations” means any occurrences that present unique and growing physical security problems such as bomb threats, terrorist acts, civil disorders, loss of electrical power, fires and natural catastrophes.
 - (2) “Marine Oil Terminal Security Officer” or “MOTSO” means a person appointed by the terminal operator to be responsible for terminal security.
 - (3) “Marine Oil Terminal Security Plan” means a written document describing the practices, procedures, responsibilities, equipment, and structures that provide for the security of the terminal.
- (b) Each marine oil terminal operator must implement a marine oil terminal security program that, at a minimum:
 - (1) Provides for the safety and security of persons, property and equipment on the terminal and along the dockside of vessels moored at the terminal;
 - (2) Prevents and deters the carrying of any weapon, incendiary, or explosive on or about any person inside the terminal, including within his or her personal articles;
 - (3) Prevents and deters the introduction of any weapon, incendiary, or explosive in stores or carried by persons onto the terminal or to the dockside of vessels moored at the terminal; and
 - (4) Prevents or deters unauthorized access to the terminal and to the dockside of vessels moored at the terminal.
- (c) Each MOTSO must, at a minimum, ensure that:
 - (1) An initial comprehensive physical security survey has been conducted, documented and maintained at the terminal.
 - (2) The comprehensive physical security survey has been used to formulate a security plan.
 - (3) The Marine Oil Terminal Security Plan is implemented and maintained.

- (4) Personnel responsible for security are trained in all aspects of the Marine Oil Terminal Security Plan.
 - (5) Annual security inspections of the terminal are conducted.
 - (6) Vigilance and security awareness by terminal employees is emphasized.
 - (7) All occurrences or suspected occurrences of unlawful acts and related activities are reported to National Response Center, telephone (800) 424-8802, and other local agencies having jurisdiction at the marine oil terminal. Records of such occurrences shall be maintained at the marine oil terminal for 10 years.
 - (8) Immediate notifications regarding security incidents are provided to terminal and vessel personnel.
- (d) Each marine oil terminal operator shall develop and maintain, in writing, a Marine Oil Terminal Security Plan, the contents of which shall, at minimum, set forth all of the following:
- (1) Policies and procedures for reacting to crisis situations, which shall include:
 - (A) Establishment of restricted areas;
 - (B) Control of movement; and
 - (C) Investigation of security breaches.
 - (2) The designation of a MOTSO by name and contact telephone number.
 - (3) The responsibilities of the MOTSO.
 - (4) Security measures for the terminal, which include:
 - (A) A communications system capable of being operated during electrical power failure.
 - (B) Protective lighting that provides a minimum illumination standard of one foot candle at one meter above the ground and illuminates the following areas:
 - 1. Access points to the terminal;
 - 2. The waterfront and dock area; and
 - 3. Any vessels moored alongside the terminal.
 - (C) Terminal perimeter fencing or other barriers of sufficient height and construction to prevent the passage of persons, dangerous substances or devices. Fencing shall have barbed or razor wire tops and be kept clear of all obstructions.

(D) Marine oil terminal access control including:

1. Use of locking devices;
2. Visitor photo identification/pass control;
3. Marine oil terminal personnel identification cards;
4. Escort procedures for visitors;
5. Vehicle entry, parking, and exit; and
6. Vehicle and stores inspections.

(E) Marine oil terminal security organization including:

1. Employee assignments;
2. Layout of the terminal with emphasis on means of access and egress;
3. Patrol routes and frequency;
4. Fixed and mobile security posts;
5. Procedures for prompt reporting of security breaches;
6. Procedures for calling out additional security; and
7. Procedures for coordinating security measures with federal, state, and local authorities.

(F) A training program administered by the MOTSO that provides for competent security within the terminal. The training program shall include initial training with provisions for annual refresher training and shall, at a minimum, include the contents of the Marine Oil Terminal Security Plan. Existing training and certification programs required by Title 2, Division 3, Chapter 1, Article 5.3, of the California Code of Regulations that also include the security training required by this subsection shall satisfy this requirement.

(G) Contractors hired by the terminal operator to perform supervisory, operations, maintenance, or indirect operations functions shall be subject to the same security training requirements as marine oil terminal employees.

(e) The MOTSO must restrict the distribution, disclosure, and availability of information contained in the Marine Oil Terminal Security Plan to those who have been determined by the marine oil terminal operator to have a strict need to know.

- (f)
 - (1) The operator of the marine oil terminal must ensure completion of a Marine Oil Terminal Security Plan and notify the Division Chief of its completion in writing, within 60 days of the effective date of these regulations.
 - (2) After the initial 60-day compliance period, the Division staff shall conduct a general on-site inspection of marine oil terminal security arrangements to determine if the Marine Oil Terminal Security Plan meets the requirements of these regulations.
 - (3) If the Marine Oil Terminal Security Plan meets the requirements of these regulations, the Division Chief shall approve the plan, in writing, within 30 working days of the on-site inspection.
 - (4) If the Marine Oil Terminal Security Plan does not meet the requirements of these regulations, the Division Chief shall notify the marine oil terminal operator, in writing, of any deficiencies within 30 working days of the on-site inspection. Marine oil terminal operators shall correct any deficiencies noted and resubmit a corrected Marine Oil Terminal Security Plan to the Division Chief for approval within 30 working days from the date of the Division's notification.
 - (5) Upon receipt of a corrected Marine Oil Terminal Security Plan, the Division Chief shall approve or disapprove the corrected plan, in writing, within 30 working days as described in subsections (g)(3) and (g)(4) of this section.
- (g) Marine oil terminal operators shall notify the Division Chief, in writing, of any proposed amendments to an approved Marine Oil Terminal Security Plan. Any such amendments shall be submitted to the Division Chief for approval at least 30 working days prior to the date that changes are to be adopted. The Division Chief shall approve or disapprove proposed amendments, in writing, within 30 working days of receipt as set forth in subsections (g)(3) and (g)(4) of this section.

Authority: Sections 8751, 8755 and 8756, Public Resources Code.

Reference: Sections 8750, 8751, 8752, 8755 and 8756, Public Resources Code.